

VZCZCXRO7149  
RR RUEHHM RUEHLN RUEHMA RUEHPB RUEHPOD  
DE RUEHNE #3277/01 1991142  
ZNR UUUUU ZZH  
R 181142Z JUL 07  
FM AMEMBASSY NEW DELHI  
TO RUEHC/SECSTATE WASHDC 6961  
RUEHCI/AMCONSUL KOLKATA 0437  
RUEHCG/AMCONSUL CHENNAI 0908  
RUEHBI/AMCONSUL MUMBAI 0100  
RUEHGH/AMCONSUL SHANGHAI 0177  
RUEHSH/AMCONSUL SHENYANG 0267  
RUEHGZ/AMCONSUL GUANGZHOU 0488  
RUEHCN/AMCONSUL CHENGDU 0254  
RUEHKP/AMCONSUL KARACHI 7935  
RUEHLH/AMCONSUL LAHORE 4050  
RUEHGZ/AMCONSUL GUANGZHOU 0489  
RUEHPH/CDC ATLANTA GA  
RUEAUSA/DEPT OF HHS WASHDC  
RUEHRC/DEPT OF AGRICULTURE WASHDC  
RHEBAAA/DEPT OF ENERGY WASHDC  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHEHNSC/NSC WASHDC  
RHEHAAA/WHITE HOUSE WASHDC  
RUEHZN/ENVIRONMENT SCIENCE AND TECHNOLOGY COLLECTIVE

UNCLAS SECTION 01 OF 03 NEW DELHI 003277

SIPDIS

HHS FOR OGHA STEIGER/HICKY  
CDC FOR BLOUNT/PETROSKY  
NIH FOR GLASS/MAMPILLY  
G/AIAG FOR LANGE AND SUMMERS  
OES/PCI FOR STEWART  
OES/IHB FOR BROWN  
GENEVA FOR HOHMAN  
USDA/APHIS FOR SHEESLEY  
USDA/FSIS FOR RHARRIES  
USDA/FAS/OSTA FOR MAGINNIS  
USDA/FAS/OCRA FOR WOOLSEY  
USAID/GH FOR DENNIS CARROLL  
APHIS/KOREA FOR ANDY BALL  
PASS TO SANDIA NATIONAL LAB

SENSITIVE  
SIPDIS

E.O. 12958: N/A

TAGS: [KFLU](#) [TBIO](#) [EAGR](#) [SENV](#) [AMED](#) [CASC](#) [KSCA](#) [IN](#)  
SUBJECT: NEW DELHI WEIGHS IN ON AVIAN INFLUENZA SAMPLE SHARING  
CONTROVERSY

Ref: (A) New Delhi 2876

(B) Jakarta 933  
(C) New Delhi 2439

NEW DELHI 00003277 001.8 OF 003

11. (SBU) Summary: Special Representative, Avian and Pandemic Influenza, Ambassador John E. Lange discussed with Government of India (GOI) officials Avian Influenza (AI) sample sharing issues during his June 2007 visit. While Ministry officials generally agreed with the US view on sample sharing, Mission staff learned that elements of the GOI are also sympathetic to the Indonesian position of non-sample sharing systems are in place to return benefits. End Summary.

12. (SBU) Amb. Lange held discussions during his visit June 3-5, 2007 with the GOI on their plans for the New Delhi Ministerial Conference of the International Partnership on Avian and Pandemic Influenza (IPAPI), December 4-6, 2007 (Ref. A).

Issues Involved in AI Sample Sharing  
-----

13. (SBU) Indonesians insist they will not share samples with WHO collaborating centers or with third parties through WHO until there are systems in place (such as a Material Transfer Agreement (MTA) or revised terms of reference for WHO collaborating centers) to ensure that Indonesia and other developing countries receive benefits in return. (Note: Indonesia's concern is access to technology, AI vaccines at no cost, Intellectual Property Rights (IPR), scientific knowledge, and infrastructure. End Note.) Terms of reference for the centers will be discussed at a WHO meeting in Singapore at the end of July.

14. (SBU) During his visit, Amb. Lange explained to Ministry of Health (MOH) officials that use of negotiated MTA's would likely delay the movement of viral samples and therefore delay the vaccine production process by weeks to months. He stressed the importance of free and unencumbered sample sharing for the benefit of global public health.

#### New Delhi's Take on the Issue

-----

15. (SBU) In meetings with Amb. Lange, MOH Joint Secretary (J/S) Vineet Chawdhry reflected MOH Secretary Naresh Dayal's view that the issue of sample sharing cannot be avoided. According to these MOH officials, India has favorably reacted to WHO and the USG position of sample sharing in the case of AI, but would like new established procedures for the transfer of specimens to vaccine development companies.

16. (SBU) In separate meetings with the Director General (DG) Indian Council of Medical Research (ICMR) and the Director of the National Institute of Communicable Diseases (NICD), Health Attache learned that Indians may also be talking to the Indonesians, who stopped sharing AI outbreak samples with the WHO collaborating laboratories in December 2006 (Ref. B). [Note: Indonesians insist they will not

NEW DELHI 00003277 002.6 OF 003

share samples with WHO until there are systems in place (such as an MTA or revised terms of reference for WHO collaborating centers) to ensure that Indonesia and other developing countries receive benefits in return. End Note.] As a result, these Indian officials are suggesting to GOI policymakers that India should take a stand that favors development of guidelines for transfer of samples to the private sector. These views were shared by DG ICMR Ganguly in an earlier conversation with Health Attache (Ref. B).

17. (SBU) Amb. Lange outlined AI discussions held at the World Health Assembly to MOH, and stated that the controversy on sample sharing and access of developing countries to pandemic vaccines needs to be resolved quickly for the benefit of public health. Amb. Lange said an intergovernmental group will meet under WHO auspices in Geneva in November 2007. [Note: Draft procedures on sample sharing will be negotiated at the interdisciplinary working group meeting in Singapore at the end of July. These draft procedures will be circulated among member states for discussion at the November meeting. End Note.]

#### Generic Material Sharing SOPs Could Resolve Stalemate

-----

18. (SBU) Amb. Lange suggested in his MOH meeting that a WHO-approved generic material transfer document, as opposed to a classic negotiated MTA, could be considered to protect the interests of the source country sharing the specimens. J/S Vineet Chawdhry said that the intellectual property rights (IPR) involved in sample sharing is a relevant issue and unresolved. MOH Secretary Dayal said these issues of sample sharing and access to vaccines are bound to come up and need not specifically be on the New Delhi December 2007 IPAPI agenda, as these issues are connected with the wider issues of IPR.

19. (SBU) J/S Gaitri Kumar, Ministry of External Affairs, said during the discussion with Amb. Lange on the Indonesian sample sharing controversy, that she thinks the issue could be resolved by November, and if not they will discuss this at the IPAPI. She

requested more background on the problem so that India can play a mediating role. Amb. Lange told Gaitri Kumar that Japan has suggested that sample sharing be put on the IPAPI agenda. Any decision on whether to feature sample sharing on the IPAPI agenda is premature and depends upon results of the Singapore and Geneva meetings.

#### Scientific Benefits of Vaccine Development Not Shared with Source Country

-----

¶10. (SBU) Chawdhry said that in developing countries there is a perception that when they provide material specimens for research, the fruits of the research are taken by developed countries. Chawdhry pointed out that in order to change this perception "experience sharing" at IPAPI, such as India's Tamiflu experience, would help. Health Attache stated that Indian pharma companies producing Tamiflu resolved IPR issues with the inventor company.

NEW DELHI 00003277 003.4 OF 003

One of the Indian generic companies has provided Tamiflu (both finished product and bulk drugs) to Indonesia. Health Attache also drew a parallel with HIV/AIDS licensing agreements of US pharmaceuticals with Indian companies. Amb. Lange said the debate has to be taken to a higher level with a rational look at the issues raised by Indonesia.

#### Way Forward - India's Perspective and Mission Initiatives

-----

¶11. (SBU) Ambassador Mulford presented a non-paper to the GOI Ministry of External Affairs Foreign Secretary, Shiv Shankar Menon, outlining the Indonesian sample sharing controversy. (Note: During the 2006 AI outbreaks in India, technical agencies shared samples with the CDC, based on a close rapport and negotiations with the Health Attache. However, there is no established GOI sample sharing policy. End note).

¶12. (SBU) Health Attache believes that Indonesian sample sharing is not a bilateral issue but a multilateral WHO issue. India's overall perspective on sample sharing is one of in principle support to USG policy and acting as a negotiator in resolving the issue.

¶13. (SBU) Mission awaits further guidance on USG goals regarding AI sample sharing and the potential role of India advocating USG positions. Mission will effectively engage with the GOI to advance USG policy on sample sharing.

¶14. (U) Ambassador Lange cleared this cable.

PYATT